

REMARKS

Upon entry of this amendment, claims 1-53 will be pending in this application. Claim 50 is amended to depend from claim 24. New claim 53 is added. Claim 53 reads on the methods of elected Group II (claim 24). No new matter is added.

In the Restriction Requirement dated September 9, 2008, the Examiner alleges that claims 1-52 lack a unifying special technical feature, and asserts that the products of Groups III and IV are not used or produced by the method of Group I, and as such are subject to restriction to single invention from inventions indicated in Groups I-IV, as defined by the Examiner. Applicant elects Group II, claims 24-41, 47, and 48, drawn to a method of expanding and transdifferentiating a population of non-endodermally derived stem cells into endodermal cells. All of claims 24-41, 47, and 48 are encompassed by the elected invention.

Regarding Groups III and IV, Applicant wishes to point out that the expanded, transdifferentiated cell population of claims 42-46, and the endocrine hormones of claim 49 are produced by the methods taught in the claims of Group II. Thus, Applicant believes that Groups II, III and IV are clearly related to a single inventive concept under Rule 13.1, as they are unified by the special technical feature of expanding and transdifferentiating a population of non-endodermally derived stem cells into endodermal cells. Applicant respectfully requests withdrawal of the Restriction between claims 21-41, 47, 48 (Group II), claims 42-46 (Group III) and claim 49 (Group IV), and their rejoinder into a single Group comprising claims 21-49.

Where the compositions and pharmaceutical compositions of elected claims of Group II will be found novel and non-obvious, Applicants reserve the right to request rejoinder of non-elected claims drawn on processes of manufacture and methods of use depending from or otherwise including all the limitations of the allowed composition claims. In addition, Applicant reserves the right to file, at a later date, additional divisional applications claiming priority from the present application which are directed to the non-elected Inventions.

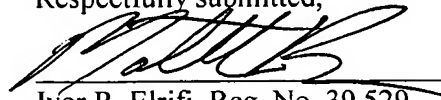
Species election

The Examiner requires election of species comprising a specifically named culture conditions (a-i); cells (j-y); growth factors (z-h'); selection criteria (i'-j'); early acting cytokines (n'-r'); late acting cytokines (s'-u'); genetic status of the cells (v'-w'); endodermal cell markers (z'-m'') and endocrine hormones (n''-p''). *See*, Office Action at pages 3-4.

- Applicant elects "**Conditions wherein said cells are cultured in the presence of a copper chelator**" (g) for the specifically named culture conditions.
- Applicant elects "**hematopoietic cells**" (j) for the cells.
- Applicant elects "**SCF**" (h') for the growth factor.
- Applicant elects "**Expression of CD133**" (j') for the selection criteria.
- Applicant elects "**FLT3 ligand**" (o') for the early acting cytokine.
- Applicant elects "**Granulocyte colony stimulating factor**"(s') for the late acting cytokine.
- Applicant elects "**Not carrying any exogenous DNA**" (v') for genetic status of the cells.
- Applicant elects "**Insulin**" (z') for the endodermal cell marker.
- Applicant elects "**Insulin**" (n'') for the hormone.

Claims 24-41, 47, and 48 of elected Group II read on the above-elected species. Favorable examination is earnestly solicited.

Respectfully submitted,



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